

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Roger C. by and through his next friend, Shelley Gilbert	)	
Plaintiff,	)	Civil Action: 08cv1254
v.	)	Judge St. Eve
Valleyview Public School District, 365-U	)	Magistrate Judge Schenkier
Alan Hampton, Bollingbrook Police, Ind.-Off Cap.	)	
Don Lavery, Off.-Indiv. Capacities	)	
Timothy Gavin, Off.-Indiv. Capacities	)	
Steven Prodehl, Off-Indiv. Capacities	)	
Defendants.	)	

**PLAINTIFF’S MOTION FOR RECONSIDERATION OF THE DISMISSALS OF  
COUNTS X & XII**

NOW COMES Plaintiff Roger C. Jr., with his Next Friend, Shelley Gilbert, both of them through Counsel, Christopher C. Cooper, and present this Honorable Court with their Motion seeking Reconsideration of the Court’s decision to dismiss Counts X and XII (5th Amendment violation [right against Self-Incrimination] and 6th Amendment notice of a right counsel during questioning as to crimes) as to Defendant-Policeman Alan Hampton. (See Doc. 102).

**A criminal process was under way.** The defendants’ own criminal citation (DF. Exh. 5) describes Roger’s actions as a crime. Once, again, “.... the availability of the privilege’ – Fifth Amendment—‘does not turn upon the type of proceeding’ but upon the nature of the statement or admission and the exposure which it invites.” *In re Gault at 49*. Roger had an April 9, 2008 court date. “The ‘privilege’ of ‘self-incrimination’ may, for example, be claimed in a civil or administrative proceeding if the statement is or may be inculpatory.” (Ibid.). Roger was to be prosecuted by a State’s Attorney had his father not paid the \$50.00 fine, but for his father having paid the fine. The defendants are wrong in their explanation of when Miranda rights are to be administered. **Simply because the citation is a bench appearance notice verses a custodial arrest does not mean that a criminal process was not initiated against Roger.**

RESPECTFULLY SUBMITTED, 25 June 2008  
By s\Christopher C. Cooper, ESQ., PhD., Counsel for Plaintiff  
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**CERTIFICATE OF SERVICE\PROOF OF SERVICE**

The undersigned, counsel for the plaintiff hereby certifies that on June 26, 2008 he filed the foregoing in ECF and that all defendants are registered e-filers.

s\Christopher Cooper, Dated: 25 June 2008